

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

JEFFREY MYERS, AN EMPLOYEE OF PFIZER INC.

22 Misc. 198 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

As discussed in the Court's oral decision on December 19, 2022, the motion to quash in the above-captioned matter is **DENIED**. The subject subpoena is modified according to the Court's oral decision. The parties are **ORDERED** to meet and confer regarding a reasonable schedule to take Movant's deposition. At a minimum, Movant should be allowed 15 business days to prepare for his deposition. Further, Dana Farber is **ORDERED** to refrain from asking questions or otherwise eliciting testimony about Movant's and Pfizer's privileged, internal communications about the Inventorship Litigation and the Settlement Agreement. This includes information about documents that were the subject of Dana Farber's failed motion to compel in the Massachusetts Action. Dana Farber may only ask questions or otherwise elicit testimony about Movant's oral communications about settlement negotiations with BMS and other defendants in the Inventorship Litigation. To the extent that Dana Farber needs to authenticate documents through this deposition, Dana Farber may also do so.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

SO ORDERED.

Dated: December 19, 2022
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge